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BILL NO. 5-72-09-04-amended:
~~S-52-72-09~~

SPECIAL ORDINANCE NO. S- 82-72

AN ORDINANCE amending Special Ordinance
No. S-52-72.

WHEREAS, the Board of Public Works of the City of Fort Wayne
adopted Sidewalk Improvement Resolution Nos. as follows:

Sidewalk Improvement Resolution No. 5610-1972 for the construction of sidewalk on the south side of Vance Avenue from the east curb line of Devon Drive to the west curb line of Kingsley Drive, except where sidewalk is now in place.

Sidewalk Improvement Resolution No. 5613-1972 to construct sidewalk on the south side of Vance Avenue from the east property line of Glencairn Drive to the west property line of Devon Drive, except where sidewalk is now in place, to a width of five feet.

Sidewalk Improvement Resolution No. 5614-1972 to construct sidewalk on the south side of Vance Avenue from the east property line of Kingsley Drive to a point approximately 166 feet east thereof to a width of five feet.

Sidewalk Improvement Resolution No. 5615-1972 to construct sidewalk on the south side of Vance Avenue from the east pavement line of Coliseum Boulevard North to the west curb line of Inwood Drive to a width of five feet.

Sidewalk Improvement Resolution No. 5616-1972 for the construction of a sidewalk on the south side of Vance Avenue from the east curb line of Inwood Drive to the west property line of Glencairn Avenue to a width of five feet.

Sidewalk Improvement Resolution No. 5617-1972 to construct sidewalk on the north side of Vance Avenue from the east curb line of Inwood Drive to the west property line of Glencairn Drive to a width of five feet.

WHEREAS, within ten (10) days after the day named for hearing upon said Resolutions, a majority of the resident freeholders on said street remonstrated against said improvement; and

WHEREAS, on May 11, 1972, the Board of Public Works, upon consideration of such remonstrance, determined that in its opinion, a public need and necessity for said sidewalk exists for the safety of the children in the area so that they will not be compelled to walk and play in the street, and by its communication dated May 11, 1972, heretofore made a matter of record, communicated the foregoing to this body; and

WHEREAS, Section 107 of Chapter 129 of the Acts of 1905 of the State of Indiana amended, provides that in the event of such a remonstrance, the improvement shall not be made unless specifically ordered by an ordinance within sixty (60) days thereafter, passed by two-thirds vote of the Council and approved by the Mayor:

1 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
2 OF THE CITY OF FORT WAYNE, INDIANA:
3

4 SECTION 1. That the construction of the above described sidewalk
5 is hereby deemed to be of public need and necessity in order to provide
6 for the safety of the children living and playing in said area.
7

8 SECTION 2. That notwithstanding any remonstrance filed against
9 the same by the resident freeholders on said street, the construction of
10 a sidewalk on the south side and on the north side of Vance Avenue as above
11 described, be and the same is hereby specifically ordered, and this or-
12 dinance shall be and constitutes sufficient authority and direction to the
13 Board of Public Works of the City of Fort Wayne in the premises to pro-
14 ceed in accordance with said resolution.
15

16 SECTION 3. This ordinance is passed upon the same date and at
17 the same meeting at which it was introduced and it is passed by unanimous
18 consent of all members of the Common Council present, and there are
19 present and voting at least two-thirds of all members elect of said Common
20 Council.
21

22 SECTION 4. This ordinance shall be in full force and effect from
23 and after its passage and approval by the Mayor.
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Councilman

Read the first time in full and on motion by Moses seconded by

Hinga and duly adopted, read the second time by title and referred to the Committee on Public Works (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the _____ day of _____, 19____, at _____ o'clock

P.M., E.S.T.

Date:

9/12/72

Charles W. Winterman
CITY CLERK

Read the third time in full and on motion by Hinga

seconded by Moses and duly adopted, placed on its passage.

Passed (~~lost~~) by the following vote:

AYES 9

NAYS 0

ABSTAINED _____

ABSENT _____ to-wit:

Burns ✓

Hinga ✓

Kraus ✓

Nuckols ✓

Moses ✓

Schmidt, D. ✓

Schmidt, V. ✓

Stier ✓

Talarico ✓

Date

9-26-72

Charles W. Winterman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (~~Zoning~~ Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 1-82-72

on the 26th day of September, 19 72.

ATTEST:

(SEAL)

Charles W. Winterman
CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of September, 19 72 at the hour of 9:00 o'clock A M., E.S.T.

Charles W. Winterman
CITY CLERK

Approved and signed by me this 27th day of September, 19 72.

at the hour of 11:30 o'clock A M., E.S.T.

Sam A. Luskoff
MAYOR

Bill No. S-72-09-04 (Amended)

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
amending Special Ordinance No. S-52-72

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

Winfield C. Moses, Jr., Chairman

William T. Hinga Vice-Chairman

Samuel J. Talarico

Eugene Kraus, Jr.

Donald J. Schmidt

Winfield C. Moses, Jr.
William T. Hinga
Samuel J. Talarico
Eugene Kraus, Jr.
DJ Schmidt

DATE 9-26-72 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK